

## **REMARKS/ARGUMENTS**

### **I. Status of the Claims**

Claims 1-44 are filed in the original application. Claims 1-44 are subject to a Restriction Requirement. After entry of this Response, claims 12-22 and 41-44 are elected for prosecution on the merits. No new matter has been added.

### **II. Response to the Restriction Requirement**

The Examiner has restricted the pending claims into the following three groups:

<b><u>Group #</u></b>	<b><u>Claim Numbers</u></b>
I.	1-11
II.	12-22 and 41-44
III.	23-40

The claims are restricted into three groups. Applicants elect Group II for prosecution on the merits. The claims of Group II are drawn toward a method of treating or protecting against a microbe-induced disease in a mammal inflicted with said disease, or at risk of becoming afflicted with said disease, comprising administering to said mammal a therapeutically effective dose of a methyl transferase inhibitor. They are further drawn towards a method of treating a microbe-induced condition in a mammal inflicted with said condition, comprising administering to said mammal a therapeutically effective dose of a composition comprising a methyl transferase inhibitor and a pharmacological excipient. Each of claims 12-22 and 41-44 falls within Group II.

The election of the claims of Group II is made with traverse. Claims 1-44 emerge from a common inventive concept and Applicants respectfully submit that searching the methods of Group I, Group II and Group III would not be an undue burden on the Examiner.

The examiner argues that the three groups have different effects. However, all three groups have the same inherent effect; e.g., treating a mammal by inhibiting DNA methyltransferase in a microbe (Group I) may require that a methyltransferase inhibitor be administered to the mammal (Group II) or may require contacting the bacteria with an agent that alters the bacteria's native level of DNA methyltransferase activity (Group III). For example, the

'agent' of Group III can be the 'DNA methyltransferase' inhibitor of Group II. The effect would be 'inhibiting DNA methyltransferase in a microbe (here bacteria) resulting in a possible method of treatment (Group I). Hence, the claims of Group I, Group II and Group III are related and not patentably distinct. Therefore, it would not be an unreasonable burden to the Examiner to conduct a search of the entire claim set.

**a.) Election of Species**

**(i) 'Type' of DNA methyltransferase activity**

Applicants elect the species 'inhibiting enzyme activity' described in claim 14 as the starting point for the search.

**(ii) Species of microbe/condition**

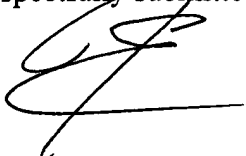
Applicants elect the species 'helicobacter' described in claim 21 as an example of a gram-negative bacterium as described in claim 20, as the starting point for the search.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,



Todd Esker  
Reg. No. 46,690

MORGAN, LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, California 94105  
Tel: 415-442-1000  
Fax: 415-442-1001  
1-SF/7374463.1